



Attorney Docket: DX0670KB1B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

Gosse Jan ADEMA, *et al.*

Application No.: 10/777,524

Filed: February 11, 2004

For: ISOLATED MAMMALIAN
MONOCYTE CELL GENES;
RELATED REAGENTS

Examiner: Unknown

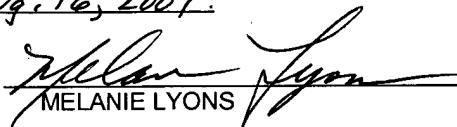
Art Unit: 1632

Conf. No.: 8025

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AUG. 16, 2004.

by:


MELANIE LYONS

Office of Initial Patent Examination
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Enclosed is a copy of the Official Filing Receipt. It contains the following error(s):

1. The Priority data as claimed by applicants is incorrectly stated as only "This application if a DIV of 10/290,631 11/08/2002". The correct Priority data is

"This application is a DIV of 10/290,631 11/08/2002
which is a DIV of 09/546,049 04/10/2000
which is a DIV of 08/985,950 12/05/1997
and claims benefit of 60/041,279 03/21/1997
and claims benefit of 60/033,181 12/16/1996
and claims benefit of 60/032,252 12/06/1996

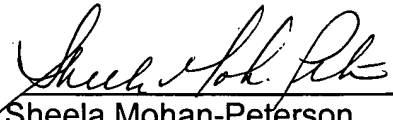
as evidenced by the Declaration and New Utility Application Transmittal, copies of which are enclosed.

Please issue a corrected Filing Receipt rectifying this error.

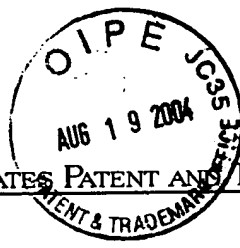
Account 04-1239. Please charge any additional fees or credit overpayment to DNAX
Deposit Account No. 04-1239.

Respectfully submitted,

Date: 16 - August - 2004

By: 
Sheela Mohan-Peterson,
Reg. No. 41,201
Attorney for Applicants

Customer No. 028008
DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Telephone (Switchboard): (650) 496-6400
Telephone No. (Direct): (650) 496-1244
Facsimile No.: (650) 496-1200



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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/777,524 | 02/11/2004 | 1632 | 770 | DX0670KB1B | | 20 | 3 |

CONFIRMATION NO. 8025

28008
DNAX RESEARCH, INC.
LEGAL DEPARTMENT
901 CALIFORNIA AVENUE
PALO ALTO, CA 94304

FILING RECEIPT



OC000000012327424

Date Mailed: 04/12/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Gosse Jan Adema, Groesbeek, NETHERLANDS;
Linde Meyaard, Amsterdam, NETHERLANDS;
Daniel M. Gorman, Newark, CA;
Terrill K. McClanahan, Sunnyvale, CA;
Sandra M. Zurawski, San Juan Bautista, CA;
Gerard Zurawski, San Juan Bautista, CA;
Lewis L. Lanier, Los Altos, CA;
Joseph H. Phillips JR., Palo Alto, CA;

Assignment For Published Patent Application

Schering Corporation, a New Jersey corporation;

Domestic Priority data as claimed by applicant

This application is a DIV of 10/290,631 11/08/2002

which is a DIV of 09/546,049 04/10/2000

Foreign Applications which is a DIV of 08/985,950 12/05/1997
and claims benefit of 60/041,279 03/21/1997
and claims benefit of 60/033,181 12/16/1996
and claims benefit of 60/032,252 12/06/1996

If Required, Foreign Filing License Granted: 04/09/2004

Projected Publication Date: 07/22/2004

Non-Publication Request: No

COPY

Early Publication Request: No

Title

Isolated mammalian monocyte cell genes; related reagents

Preliminary Class

800

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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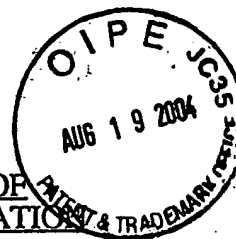
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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

COPY



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney's Docket No. DX0670K

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"ISOLATED MAMMALIAN MONOCYTE CELL GENES: RELATED REAGENTS"

the specification of which

☐ is attached hereto.

☒ was filed on December 5, 1997 as Application Serial No. 08/985,950

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

| (Number) | (Country) | (Day/Month/Year Filed) | Yes or No |
|----------|-----------|------------------------|-----------|
|----------|-----------|------------------------|-----------|

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

| | |
|---|---|
| <u>60/032,252</u> (Application Number) | <u>December 6, 1996</u> (Filing Date) |
| <u>60/033,181</u> (Application Number) | <u>December 16, 1996</u> (Filing Date) |
| <u>60/041,279</u> (Application Number) | <u>March 21, 1997</u> (Filing Date) |

COPY

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| (Application Serial No.) | (Filing Date) | (Status – patented, pending, abandoned) |
|--------------------------|---------------|---|
| | | pending |

Power of Attorney: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in Patent and Trademark Office connected therewith. (List name and registration number.)

| | | | |
|---------------------|-----------------|--------------------|-----------------|
| Carl W. Battle | Reg. No. 30,731 | Anita W. Magatti | Reg. No. 29,825 |
| Edwin P. Ching | Reg. No. 34,090 | John J. Maitner | Reg. No. 25,636 |
| Eric S. Dicker | Reg. No. 31,699 | Joseph T. Majka | Reg. No. 30,570 |
| Norman C. Dulak | Reg. No. 31,608 | Arthur Mann | Reg. No. 35,598 |
| Cynthia L. Foulke | Reg. No. 32,364 | Edward H. Mazer | Reg. No. 27,573 |
| Robert A. Franks | Reg. No. 28,605 | Jaye P. McLaughlin | Reg. No. 41,211 |
| James M. Gould | Reg. No. 33,702 | Richard B. Murphy | Reg. No. 35,298 |
| Richard J. Grochala | Reg. No. 31,518 | James R. Nelson | Reg. No. 27,929 |
| Thomas D. Hoffman | Reg. No. 28,221 | Immac J. Thampoe | Reg. No. 36,322 |
| Henry C. Jeanette | Reg. No. 30,856 | Paul A. Thompson | Reg. No. 35,385 |
| Susan Lee | Reg. No. 30,653 | Donald W. Wyatt | Reg. No. 40,879 |

| | |
|--|---|
| Send Correspondence to: Edwin P. Ching DNAX Research Institute 901 California Avenue Palo Alto, CA 94304-1104 | Direct Telephone Calls to: Name: Edwin P. Ching Telephone No.: (650) 496-1204 Facsimile No.: (650) 496-1200 |
|--|---|

| | | | |
|--|----------------------------|---------------------------------|-------------------------------------|
| FULL NAME OF 1ST OR SOLE INVENTOR | FAMILY NAME | FIRST GIVEN NAME | SECOND GIVEN NAME |
| | Adema | Gosse | Jan |
| RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | Groesbeek | The Netherlands | The Netherlands |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE & ZIP CODE/COUNTRY |
| | Haydnstraat | 6561 ED Groesbeek | 6561 ED / Netherlands |

| | | | |
|--|----------------------------|---------------------------------|-------------------------------------|
| FULL NAME OF 2ND JOINT INVENTOR | FAMILY NAME | FIRST GIVEN NAME | SECOND GIVEN NAME |
| | Meyard | Linde | |
| RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | Amsterdam | The Netherlands | The Netherlands |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE & ZIP CODE/COUNTRY |
| | Realengracht 68 | 1013 KW Amsterdam | 1013 KW / Netherlands |

| | | | |
|------------------------------------|--|---------------------------------------|---|
| FULL NAME OF 3RD JOINT INVENTOR | FAMILY NAME Gorman | FIRST GIVEN NAME Daniel | SECOND GIVEN NAME M. |
| RESIDENCE & CITIZENSHIP | CITY Newark | STATE OR FOREIGN COUNTRY CA | COUNTRY OF CITIZENSHIP USA |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS 6371 Central Avenue | CITY Newark | STATE & ZIP CODE/COUNTRY CA 94560 / USA |

| | | | |
|------------------------------------|---|---------------------------------------|---|
| FULL NAME OF 4TH JOINT INVENTOR | FAMILY NAME McClanahan | FIRST GIVEN NAME Terrill | SECOND GIVEN NAME K. |
| RESIDENCE & CITIZENSHIP | CITY Sunnyvale | STATE OR FOREIGN COUNTRY CA | COUNTRY OF CITIZENSHIP USA |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS 1081 Westchester Drive | CITY Sunnyvale | STATE & ZIP CODE/COUNTRY CA 94087 / USA |

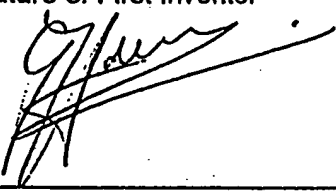
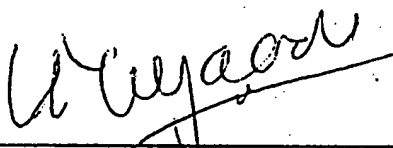
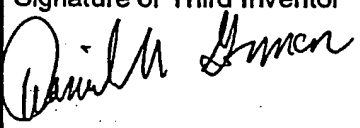
| | | | |
|------------------------------------|---|---------------------------------------|---|
| FULL NAME OF 5TH JOINT INVENTOR | FAMILY NAME Zurawski | FIRST GIVEN NAME Sandra | SECOND GIVEN NAME M. |
| RESIDENCE & CITIZENSHIP | CITY San Juan Bautista | STATE OR FOREIGN COUNTRY CA | COUNTRY OF CITIZENSHIP USA |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS 2005 School Road | CITY San Juan Bautista | STATE & ZIP CODE/COUNTRY CA 94045 / USA |

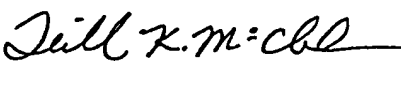
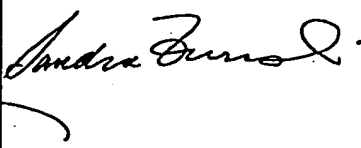
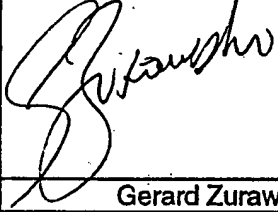
| | | | |
|------------------------------------|---|---------------------------------------|---|
| FULL NAME OF 6TH JOINT INVENTOR | FAMILY NAME Zurawski | FIRST GIVEN NAME Gerard | SECOND GIVEN NAME |
| RESIDENCE & CITIZENSHIP | CITY San Juan Bautista | STATE OR FOREIGN COUNTRY CA | COUNTRY OF CITIZENSHIP Australia |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS 2005 School Road | CITY San Juan Bautista | STATE & ZIP CODE/COUNTRY CA 94045 / USA |

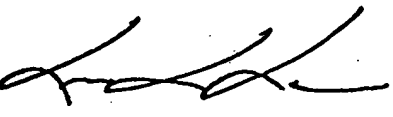
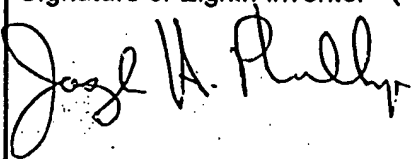
| | | | |
|------------------------------------|---|---------------------------------------|---|
| FULL NAME OF 7TH JOINT INVENTOR | FAMILY NAME Lanier | FIRST GIVEN NAME Lewis | SECOND GIVEN NAME L. |
| RESIDENCE & CITIZENSHIP | CITY Los Altos | STATE OR FOREIGN COUNTRY CA | COUNTRY OF CITIZENSHIP USA |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS 1528 Frontero Road | CITY Los Altos | STATE & ZIP CODE/COUNTRY CA 94024 / USA |

| | | | |
|---------------------------------|--|--------------------------------|--|
| FULL NAME OF 8TH JOINT INVENTOR | FAMILY NAME Phillips, Jr. | FIRST GIVEN NAME Joseph | SECOND GIVEN NAME H. |
| RESIDENCE & CITIZENSHIP | CITY Palo Alto | STATE OR FOREIGN COUNTRY CA | COUNTRY OF CITIZENSHIP USA |
| POST OFFICE ADDRESS | POST OFFICE ADDRESS 1511 Walnut Drive | CITY Palo Alto | STATE & ZIP CODE/COUNTRY CA 94303 / USA |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|--|---|---|
| Signature of First Inventor  | Signature of Second Inventor  | Signature of Third Inventor  |
| Gosse Jan Adema | Linde Meygaard | Daniel M. Gorman |
| Date May 4, 1998 | Date May 6, 1998 | Date May 11, 1998 |

| | | |
|---|--|---|
| Signature of Fourth Inventor  | Signature of Fifth Inventor  | Signature of Sixth Inventor  |
| Terrill K. McClanahan | Sandra M. Zurawski | Gerard Zurawski |
| Date May 21, 1998 | Date May 19, 1998 | Date May 11, 1998 |

| | |
|--|---|
| Signature of Seventh Inventor  | Signature of Eighth Inventor  |
| Lewis L. Lanier | Joseph H. Phillips, Jr. |
| Date 5/22/98 | Date 5/11/98 |

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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))



Attorney Docket No. DX0670KB1B

First Inventor Gosse Jan ADEMA

Title Isolated Mammalian Monocyte Cell Genes;
Related Reagents

Express Mail Label No. EL 982 851 148 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 151]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Pages ☐
5. Oath or Declaration [Total Pages 4]
 - a. ☐ New executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS
Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C.
122(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent.
17. ☐ Other: ☐

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/290,631

Prior application information: Examiner: Unknown Group Art Unit: 1647

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

or ☐ Correspondence address below:

28008

DNAX Research, Inc.
901 California Ave.
Palo Alto, CA 94304
Telephone: (650) 496-6400
Facsimile: (650) 496-1200

Name (Print/Type) Sheela Mohan-Peterson, Reg. No. 41,201

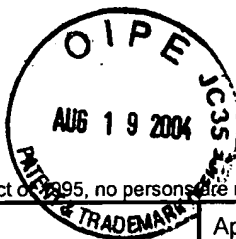
Signature

Sheela Mohan-Peterson

Date

11-Feb-2004

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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|----|------------------------|-----------------|
| | | Application Number | 10/777,524 |
| | | Filing Date | 02/11/2004 |
| | | First Named Inventor | Gosse Jan ADEMA |
| | | Art Unit | 1632 |
| | | Examiner Name | |
| Total Number of Pages in This Submission | 10 | Attorney Docket Number | DX0670KB1B |

ENCLOSURES (Check all that apply)

| | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks: 1. Request for Corrected Filing Receipt (2 pages) 2. copy of the Declaration (4 pages) 3. copy of New Utility Application Transmittal (1 page) 4. copy of Filing Receipt (2 pages) 5. Return Receipt Postcard | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------------|--|--|--|
| Firm or Individual | Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104 | | |
| Signature | | | |
| Date | 16-August-2004 | | |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

| | | | |
|------------------|---------------|------|-----------------|
| Typed or printed | Melanie Lyons | | |
| Signature | | Date | August 16, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.